

**REMARKS**

Applicant requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph, in view of the above claim amendments which address and correct informalities noted by the Examiner.

Claim 4 has been canceled and its "coffee bean configuration" limitation added to claim 3. Applicant respectfully submits that this limitation is perfectly clear to one of ordinary skill in the relevant art; however, if the Examiner feels that this limitation needs further definition, Applicant respectfully requests the Examiner to **call the undersigned attorney** to discuss the matter.

Applicant respectfully traverses the rejection of claims 1-5 and 7 under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Saurer '504, and the rejection of dependent claim 6 (6/5/1) under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Saurer '504 in view of Graetzel '628.

As for the exact meaning of "oblong", Applicant agrees with the definition of Webster's Dictionary cited by the Examiner, said definition suggesting that "an oblong contour" may have sharp angles. The choice of the modifier "oblong" was intended to describe a sensor with a measuring window (respectively, reference window) without any recess. Accordingly, Applicant replaces "oblong" by "... rounded elongated..." in claims 1 and 2.

With respect to Saurer's disclosure, Applicant disagrees with the Examiner's analysis. At column 5, lines 58-60, Saurer states that "The windows 34 can have any suitable shape such as an elliptical or a rectangular shape"; however, the windows 34, which are described in this

disclosure, are in a way an envelope for "a measuring window" and "a reference window", separated by a narrow insulating strip thus delimiting two half-moon shaped sectors 35, 36 (col. 5, lines 60-63), namely sectors with sharp angles.

Thus, since Saurer does not disclose, either explicitly or inherently, or even suggest each limitation, of independent claim 1, Applicant respectfully submits that claim 1 (and its dependent claims 2-5) is neither anticipated by, nor obvious over, Saurer's disclosure, whereby Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1-5 and 7 under 35 U.S.C. § 102(b) or under 35 U.S.C. § 103(a). Claim 7 has been canceled, thereby rendering moot its rejection.

With respect to the Examiner's comment on dependent claim 3, Applicant refers the Examiner to the above analysis of Saurer's disclosure relative to Applicant's claimed "narrow insulating strip".

As for claim 4, claim 4 has been canceled, and its limitation added to claim 3. Again, Applicant respectfully submits that "coffee bean configuration" is perfectly clear and definite to one of ordinary skill in the art, but, if the Examiner requires further amendment, the Examiner is respectfully requested to **call the undersigned attorney** to discuss the matter. With respect to the cited *In re Dailey*, Applicant agrees that a change in shape or form is within the level of ordinary skill in the art **when** it is a matter of **only** an obvious design choice, and when no unobvious or unexpected result is produced by such a change. As described in the specification (page 2, lines 27-33), the specific contour of the measuring window is not merely a matter of

design choice, but is a critical choice for having the surface of the electrode covered in a uniform and reproducible manner by a reagent. Thus, this case law is not relevant to claim 4.

Dependent claim 5 (5/1) defines a specific reagent used in the claimed "electrochemical" sensor, and should be allowable at least for the reason that it is dependent on the now allowable claim 1.

As for the rejection of dependent claim 6 (6/5/1), Applicant again refers the Examiner to the above analysis of the disclosure of the primary reference, Saurer '504. Even though Graetzel may disclose the mediator recited in dependent claim 6, for the reasons explained above, Applicant respectfully submits that the subject matter of dependent claim 6 (6/5/1), taken as a whole, would not have been obvious from the combined disclosures of Saurer and Graetzel (especially, because of the above-noted deficiency in Saurer's disclosure).

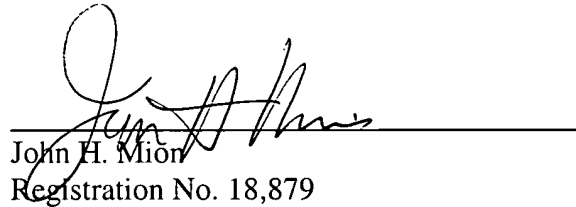
In summary, then, Applicant respectfully requests the Examiner to reconsider and to withdraw all requirements and rejections, and to find the application to be in condition for allowance with all of claims 1, 2, 3, 5 and 6; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant files concurrently herewith a Petition (with fee) for an Extension of Time of two months. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any

AMENDMENT UNDER 37 C.F.R. § 1.111  
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additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in  
the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

  
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